

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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TRACY HØEG, M.D., Ph.D.; RAM  
DURISETI, M.D., Ph.D.; AARON  
KHERIATY, M.D.; PETE  
MAZOLEWSKI, M.D.; and AZADEH  
KHATIBI, M.D., M.S., M.P.H.,

Plaintiffs,

v.

GAVIN NEWSOM, Governor of the  
State of California, in his  
official capacity; KRISTINA  
LAWSON, President of the  
Medical Board of California, in  
her official capacity; RANDY  
HAWKINS, M.D., Vice President  
of the Medical Board of  
California, in his official  
capacity; LAURIE ROSE LUBIANO,  
Secretary of the Medical Board  
of California, in her official  
capacity; MICHELLE ANNE BHOLAT,  
M.D., M.P.H., DAVID E. RYU,  
RYAN BROOKS, JAMES M. HEALZER,  
M.D., ASIF MAHMOOD, M.D.,  
NICOLE A. JEONG, RICHARD E.  
THORP, M.D., VELING TSAI, M.D.,  
and ESERICK WATKINS, members of  
the Medical Board of  
California, in their official  
capacities; and ROB BONTA,  
Attorney General of California,

No. 2:22-cv-01980 WBS AC

ORDER

1 in his official capacity;

2 Defendants.

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4 LETRINH HOANG, D.O.; PHYSICIANS  
5 FOR INFORMED CONSENT, a not-for  
6 profit organization; and  
7 CHILDREN'S HEALTH DEFENSE,  
8 CALIFORNIA CHAPTER, a  
9 California Nonprofit  
10 Corporation;

11 Plaintiffs,

12 v.

13 ROB BONTA, in his official  
14 capacity as Attorney General of  
15 California; and ERIKA CALDERON,  
16 in her official capacity as  
17 Executive Officer of the  
18 Osteopathic Medical Board of  
19 California;

20 Defendants.

No. 2:22-cv-02147 WBS AC

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22 These related matters were set for scheduling  
23 conferences on April 10, 2023. While the parties in both cases  
24 submitted Joint Status Reports, they did not propose any dates.  
25 Rather, defendants argued that the case should be stayed pending  
26 the outcome of the appeal in McDonald v. Lawson, No. 22-56220  
27 (9th Cir.). Plaintiffs argued that a stay was not necessary and  
28 the cases should proceed to motions for summary judgment.

McDonald is fully briefed and will be heard in July, August, or  
September 2023, according to the parties. The parties estimated  
that the Ninth Circuit will issue a decision by the end of 2023.


The court credits defendants' argument that the  
proceedings in these cases will likely be informed by the outcome

1 of that appeal. Nevertheless, the court has a duty to move cases  
2 -- particularly those of great public importance -- toward  
3 disposition, rather than delaying them indefinitely. Balancing  
4 these competing concerns, the court declines to stay these  
5 actions at this time but orders that no dispositive motion shall  
6 be noticed for hearing on a date prior to January 1, 2024, or  
7 until the Ninth Circuit issues a decision in the McDonald appeal,  
8 whichever shall occur first. This Order shall be subject to  
9 modification upon the application of any party for good cause  
10 shown.

11 Pursuant to the court's prior orders (Høeg Docket No.  
12 4; Hoang Docket No. 3) and Local Rule 240, the parties shall  
13 submit to the court Joint Status Reports for purposes of  
14 scheduling no later than fourteen days from the date of this  
15 Order, with proposed dates and deadlines, including trial, taking  
16 the restrictions of this Order into account.

17 IT IS SO ORDERED.

18 Dated: April 11, 2023

  
19 WILLIAM B. SHUBB  
20 UNITED STATES DISTRICT JUDGE  
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